

HOUSE BILL No. 1511

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-67; IC 31-14-13.

Synopsis: Joint legal custody in paternity determinations. Allows a court to award joint legal custody of a child following a determination of paternity. Provides that an award of joint legal custody does not require an equal division of physical custody of the child. Establishes factors for the court to consider in determining whether to grant joint legal custody.

Effective: July 1, 2009.

GiaQuinta

January 14, 2009, read first time and referred to Committee on Family, Children and Human Affairs.

C
o
p
y



Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1511

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-9-2-67 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 67. "Joint legal
3 custody", for purposes of **IC 31-14-13**, IC 31-17-2-13, IC 31-17-2-14,
4 and IC 31-17-2-15, means that the persons awarded joint custody will
5 share authority and responsibility for the major decisions concerning
6 the child's upbringing, including the child's education, health care, and
7 religious training.

8 SECTION 2. IC 31-14-13-2.3 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2009]: **Sec. 2.3. (a) In a proceeding to which**
11 **this chapter applies, the court may award legal custody of a child**
12 **jointly if the court finds that an award of joint legal custody would**
13 **be in the best interest of the child.**

14 **(b) An award of joint legal custody under this section does not**
15 **require an equal division of physical custody of the child.**

16 **(c) In determining whether an award of joint legal custody**
17 **under this section would be in the best interest of the child, the**



C
o
p
y

1 court shall consider it a matter of primary, but not determinative,
 2 importance that the persons awarded joint legal custody have
 3 agreed to an award of joint legal custody. The court shall also
 4 consider:

5 (1) the fitness and suitability of each of the persons awarded
 6 joint legal custody;

7 (2) whether the persons awarded joint legal custody are
 8 willing and able to communicate and cooperate in advancing
 9 the child's welfare;

10 (3) the wishes of the child, with more consideration given to
 11 the child's wishes if the child is at least fourteen (14) years of
 12 age;

13 (4) whether the child has established a close and beneficial
 14 relationship with both of the persons awarded joint legal
 15 custody;

16 (5) whether the persons awarded joint legal custody:

17 (A) live in close proximity to each other; and

18 (B) plan to continue to do so; and

19 (6) the nature of the physical and emotional environment in
 20 the home of each of the persons awarded joint legal custody.

21 SECTION 3. IC 31-14-13-4 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. **Except as otherwise**
 23 **provided in an order by a court**, the custodial parent may determine
 24 the child's upbringing, which includes education, health care, and
 25 religious training, unless the court determines that the best interests of
 26 the child require a limitation on this authority.

C
o
p
y

